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9 **UNITED STATES DISTRICT COURT**
10 **FOR THE DISTRICT OF NEVADA**

11
12 SECURITIES AND EXCHANGE
13 COMMISSION,

14 Plaintiff,

15 vs.

16 ANTHONY JOSEPH MARINO,
17 GEORGE FRANK POLERA, and,
UNITED BUSINESS ALLIANCE, LLC,

18 Defendants.

19
20 **STIPULATED PROTECTIVE ORDER**

21 Case No. 2:17-cv-02017-APG-CWH

22 Judge Andrew P. Gordon
23 Magistrate Judge Carl W. Hoffman

24 WHEREAS, disclosure and discovery activity in the action entitled *SEC v. Anthony*
25 *Joseph Marino, et al.*, 2:16-cv-1413 JAD-PAL, currently pending in the United States District
26 Court, District of Nevada, will likely involve production of confidential, proprietary, and/or
27 personally identifiable information for which protection from use for any purpose other than
28 prosecuting or defending this litigation is warranted.

29 ACCORDINGLY, Plaintiff Securities and Exchange Commission (the "Commission")
30 and Defendants Anthony Joseph Marino, George Frank Polera, And, United Business Alliance,

1 LLC, through their respective counsel, hereby stipulate to and petition the Court to enter the
2 following Stipulated Protective Order.

3
4 **1. DEFINITIONS**

5 1.1 Party: any party to this action, including all of its officers, employees, attorneys,
6 consultants, retained experts, and support staff.

7 1.2 Discovery Material: all items or information, regardless of the medium or manner
8 generated, stored, or maintained (including, among other things, Fed. R. Civ. Proc. 26
9 disclosures, testimony, transcripts, or tangible things) produced by a Party in discovery in the
10 course of this litigation, whether voluntarily or in response to a request for production of
11 documents pursuant to Fed R. Civ. Proc. 34, that are not otherwise publicly available.
12

13 1.3 Receiving Party: a Party that receives Discovery Material from a Producing
14 Party.

15 1.4 Producing Party: a Party that produces Discovery Material in this action.
16

17 **2. SCOPE**

18 The protection conferred by this Joint Stipulation For Protective Order covers not only
19 Discovery Material (as defined above), but also any information copied or extracted there from,
20 as well as all copies, excerpts, summaries, or compilations thereof that might reveal Discovery
21 Material. The Parties agree to stamp or otherwise mark Discovery Material with the term
22 “Confidential”.
23

24 **3. DURATION**

25 Even after termination of this litigation, the confidentiality obligations imposed by this
26 Joint Stipulation For Protective Order shall remain in effect until a Producing Party agrees
27 otherwise in writing or a court order otherwise directs.
28

1 4. **ACCESS TO AND USE OF DISCLOSURE OR DISCOVERY MATERIAL**

2 4.1 The Parties agree not to disclose Discovery Material received from a Producing
3 Party, other than for purposes related to this litigation.
4

5 4.2 The Parties agree that Discovery Material received from a Producing Party may
6 be used for purposes related to this litigation, including use in depositions in this litigation, use in
7 connection with expert witnesses and consultants, and may be submitted and/or referenced in
8 filings and arguments made to the Court in this case.
9

10 4.3 Nothing in this Joint Stipulation For Protective Order shall alter the Parties'
11 obligations under Federal Rule of Civil Procedure 5.2.

12 4.4 The Parties agree that no Party shall disclose Discovery Material for purposes not
13 related to this litigation, including disseminating or disclosing Discovery Material to the media,
14 making such information available to the public and/or posting such information on the internet.
15 Notwithstanding this paragraph, nothing in this Joint Stipulation For Protective Order shall
16 restrict the dissemination of any document which is publicly available by virtue of being filed
17 with the Court in the course of this litigation.
18

19 4.5 The Parties agree to redact personally identifiable information from all Discovery
20 Material electronically filed with the Court in this case as required by LR IC 6-1. The Parties
21 may file Discovery Material with the Court under seal as permitted by LR IA 10-5.
22

23 4.6 Disclosure of "Disclosure or Discovery Material" by the Commission.
24 Notwithstanding the above paragraphs, nothing in this Joint Stipulation For Protective Order
25 shall be construed to limit or otherwise abrogate the Commission's ability to makes its files
26 available as described in the "Routine Uses of Information" section of SEC Form 1662, a copy
27 of which is attached hereto as Exhibit A, or to comply with any other statutory obligation. The
28

1 Commission may disclose Discovery Material in a manner consistent with the "Routine Uses of
2 Information" section of SEC Form 1662 or to comply with any other statutory or regulatory
3 obligation without notifying or seeking permission from the Producing Party.
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6 **IT IS SO STIPULATED.**
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8 Dated: October 18, 2017

s/Daniel J. Wadley
Daniel J. Wadley
Amy J. Oliver
James J. Thibodeau
Attorneys for Plaintiff
Securities and Exchange Commission

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13
14 Dated: October 18, 2017

s/
Amberlea Davis
Law Offices of Amberlea Davis
Attorney for Anthony Joseph Marino, George Frank
Polera, and United Business Alliance, LLC

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19 **IT IS SO ORDERED.**

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21 
22 C.W. HOFFMAN, JR.
23 UNITED STATES MAGISTRATE JUDGE

24 DATED: February 28, 2018
25
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27
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Exhibit 1

Daniel J. Wadley Email to Amber Davis

October 19, 2017

Oliver, Amy J.

From: Wadley, Daniel J.
Sent: Thursday, October 19, 2017 3:10 PM
To: amber@sheismylawyer.com
Cc: Oliver, Amy J.; Kawa, Kenji J (Contractor)
Subject: SEC v. Marino, et al.
Attachments: Joint Stip for PO.doc

Amber,

In connection with our upcoming Initial Disclosure deadline, attached please find a draft Protective Order that we would like to submit in this case. Many of the documents that we will be disclosing have confidential and/or protected information, and we would like to have procedures in place protecting them before they are produced.

Please review the proposed document and let me know if you have questions, comments, or concerns. If you are comfortable with it let me know if I have your permission to affix your electronic signature and I will get it filed.

Thanks,
Dan Wadley



Daniel J Wadley
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